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March 21, 2001

Ms. Alva Smith
Office of the General Counsel
Federal Election Commission
999 E Street, NW – 6th Floor
Washington, DC 20463

Re: MUR 5178—Democratic Congressional Campaign Committee

Dear Ms. Smith:

This is the response on behalf of the Democratic Congressional Campaign Committee (“DCCC”) and David Plouffe, Treasurer, to the complaint filed by Gerald Hills and the Michigan Republican State Committee alleging violations of the Federal Election Campaign Act (“FECA”) of 1971, as amended, 2. U.S.C. §§ 431 *et seq.* As this response will show, the complaint has no merit and should be dismissed.

The complainant alleges that the DCCC and the Michigan Democratic State Central Committee (“MDSCC”) made coordinated expenditures on behalf of Dianne Byrum’s congressional committee, Byrum for Congress, that exceeded federal limits. Combined, the DSCC and MDSCC were entitled to spend a total of \$67,560 in coordinated expenditures on behalf of Byrum for Congress. 2 U.S.C. § 441a(d); FEC *Record* (March 2000).

In its October 2000 monthly FEC report, the DCCC posted on page 34 of Schedule F, an expenditure of \$14,350, and on page 37 of Schedule F, an expenditure of \$51,521, totaling \$65,871 as coordinated party expenditures for Byrum for Congress. This figure did not exceed the \$67,560 and is thus clearly within the legal limits.

Complainant further points to the 30-day Post Election FEC Report following the General Election on November 7, 2000, where the MDSCC posted on page 1 of Schedule F, two \$45,000 expenditures totaling \$90,000 as coordinated party expenditures for Byrum for Congress. Accordingly, Complainant concludes that the

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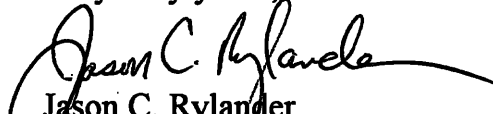
MDSCC, DCCC, and Byrum for Congress coordinated a total of \$155,871 in expenditures—thus exceeding the limit of \$67,560 by \$88,311.

What Complainant fails to acknowledge, or perhaps did not check, is that on March 2, 2000, the MDSCC filed an amended report indicating that the two \$45,000 expenditures reported on behalf of Dianne Byrum were misreported. In fact, the amounts represented payment of advertising expenditures for the campaign of Debbie Stabenow for United States Senate, and complied fully with the legal limits for coordinated expenditures for Senate campaigns. The amended reports now accurately reflect the coordinated expenditures on behalf of both campaigns.

Respondents were not responsible for filing the MDSCC's post election report and were not aware of its contents. The MDSCC made a simple reporting error in filing its report, which, while regrettable, is not in any respect illegal. Indeed, upon learning of its error, MDSCC promptly filed a corrected report in accordance with the law. The amended report should put to rest any alleged violation of coordinated expenditure limits with respect to this MUR.

The evidence simply does not support any inference of wrongdoing on the part of the Respondents. Accordingly, the FEC should dismiss this matter as it pertains to the Respondents.

Very truly yours,


Jason C. Rylander
Counsel to Respondents

STATEMENT OF DESIGNATION OF COUNSEL

MUR 5178

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The above-named individual is hereby designated as my counsel
and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

3/14/01
Date

Janica Kyriacopoulos
Signature

RESPONDENT'S NAME: Democratic Congressional Campaign Committee

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